RESERVED

COURT NO.5

Civil Petition no. 64 of 2003

Smt. Archana Jain---------- Petitioner

Versus

Principal Judge, Family Court, Dehradun and another--------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Arvind Vashistha, learned counsel for the petitioner and Sri B.P. Nautiyal, learned counsel for the respondent no.2.

The petitioner has challenged the order dated 8.1.2003 passed by the Principal Judge, Family Court, Dehradun rejecting the application of the petitioner for adjournment in suit no.31 of 2002. The petitioner has alleged that her marriage was solemnized with respondent no.2 on 24.11.1994. The respondent no.2 deserted the petitioner. The respondent no.2 filed petition under section 13 of the Hindu Marriage Act. Aggrieved by some order passed by the Family Court the parties approached the High Court. The learned counsel for the respondent no.2 has stated that there was direction of the High Court to the Family Court to dispose of the suit expeditiously. Both the parties have agreed that they have reached to a compromise and they have filed the same before the High Court. The contention of the learned counsel for the petitioner is that the date before the Family Court was fixed on 8.1.2003 on which date he has moved an application for adjournment on the ground that the compromise deed between the parties has been filed before the Hon'ble High Court and as such the date may be adjourned till the compromise is verified before the High Court. The application was rejected by the Family Court on the ground that if the parties have reached to compromise they may file the compromise before the Family Court itself and further as there was an order of the High Court to dispose of the matter expeditiously the adjournment cannot be granted.

I find no infirmity in the impugned order. In case the parties have reached to the compromise they may file the same before the Family Court.

For the above reasons, the writ petition is dismissed. No order as to the costs.

February 11, 2003. **(M.M. Ghildiyal, J.)**
MPS